

AMENDED IN ASSEMBLY APRIL 23, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1830

Introduced by Assembly Member V. Manuel Pérez

February 22, 2012

An act to amend Section 2705.6 of the Public Utilities Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 1830, as amended, V. Manuel Pérez. Water service: mobilehome parks.

Existing law authorizes the Public Utilities Commission to regulate public utilities, including water corporations. Under existing law, a mobilehome park that provides water service only to its tenants from water supplies and facilities that it owns, not otherwise dedicated to public service, is not a water corporation, but that mobilehome park is subject to the jurisdiction of the commission to the extent that, if a tenant complains about the water rates charged or service provided by the mobilehome park, the commission is authorized to determine whether the rates charged are just and reasonable and whether the service provided is adequate. Existing law authorizes the commission to afford rate relief or to order the mobilehome park to improve its water supply, facilities, and services on those terms that it finds just and reasonable, or both.

This bill would authorize the commission, if it finds, after investigation, that the mobilehome park has charged an unjust or unreasonable rate in violation of existing law, to order the mobilehome park to reimburse the complainant and any other current and former tenants affected by the rate, calculated as prescribed, if no discrimination

will result from the reimbursement. The bill would specify that a current or former tenant may complain. *The bill would require a mobilehome park to provide written notice to each of the mobilehome park's tenants to inform those tenants of their right to file a complaint with the commission about the water rates charged or the service provided by the mobilehome park, as prescribed.* Because a violation of an order or decision of the commission is a crime, this bill would impose a state-mandated local program creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2705.6 of the Public Utilities Code is
2 amended to read:

3 2705.6. (a) (1) A mobilehome park that provides water service
4 only to its tenants from water supplies and facilities that it owns,
5 not otherwise dedicated to public service, is not a water
6 corporation. However, that mobilehome park is subject to the
7 jurisdiction of the commission to the extent that, if a current or
8 former tenant complains about the water rates charged or service
9 provided by the mobilehome park, the commission shall determine,
10 based on all the facts and circumstances, whether the rates charged
11 are just and reasonable and whether the service provided is
12 adequate.

13 (2) *A person shall not file a complaint against a mobilehome*
14 *park pursuant to paragraph (1) if that person has not resided in*
15 *that mobilehome park within the last five years.*

16 (b) Complaints filed pursuant to subdivision (a) are subject to
17 the provisions of this code and to the Rules of Practice and
18 Procedure of the commission governing complaints and
19 commission investigations.

20 (c) (1) *A mobilehome park, as described in subdivision (a),*
21 *shall provide written notice to each of the mobilehome park's*
22 *tenants to inform those tenants of their right to file a complaint*

1 *with the commission about the water rates charged or the service*
2 *provided by the mobilehome park. With respect to the notice, the*
3 *mobilehome park shall do all of the following:*

4 *(A) Provide the notice to tenants on an annual basis.*

5 *(B) Provide the notice to new tenants at the time the tenants*
6 *establish residence within the mobilehome park.*

7 *(C) Provide the notice to tenants each time the mobilehome*
8 *park changes water rates or service.*

9 *(D) Ensure the notice informs tenants that the commission's*
10 *public advisor is available to assist tenants with filing complaints*
11 *with the commission.*

12 *(E) Ensure that the notice includes the public advisor's contact*
13 *information.*

14 *(2) Notwithstanding any other law, the notice provided by a*
15 *mobilehome park pursuant to paragraph (1) shall be written in*
16 *English, Spanish, and any language spoken primarily by a group*
17 *of tenants that exceeds 10 percent of the tenants residing at the*
18 *mobilehome park.*

19 *(3) A mobilehome park that fails to provide the notice required*
20 *by this section shall be civilly liable in an amount not to exceed*
21 *one thousand dollars (\$1,000) for each day in which the*
22 *mobilehome park fails to provide the notice.*

23 ~~(e)~~

24 *(d) The commission may afford rate relief or may order the*
25 *mobilehome park to improve its water supply, facilities, and*
26 *services on those terms that it finds just and reasonable, or both.*

27 ~~(d)~~

28 *(e) If the commission finds, after investigation, that the*
29 *mobilehome park has charged an unjust or unreasonable rate in*
30 *violation of this section, the commission shall order the*
31 *mobilehome park to reimburse the complainant and any other*
32 *current and former tenants affected by the rate, if no discrimination*
33 *will result from the reimbursement. Reimbursement shall be*
34 *calculated from the first date of collection of the unjust or*
35 *unreasonable rate, with interest. The commission shall not make*
36 *an order for the payment of reimbursement upon the ground of*
37 *unjustness or unreasonableness if the rate in question has been*
38 *previously declared by formal finding of the commission to be*
39 *reasonable. The commission shall not recognize the assignment*
40 *of a reimbursement claim except assignments by operation of law*

1 as in cases of death, insanity, bankruptcy, receivership, or order
2 of court.

3 (e)

4 (f) The public adviser created pursuant to Section 321 and
5 necessary staff of the commission shall assist the complainant.

6 SEC. 2. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

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